

REMARKS/ARGUMENTS

This Amendment is responsive to the Office Action mailed December 3, 2003. In the event that any additional fees are incurred in connection with this Amendment, please charge such fees to our Deposit Account No. 19-3320.

In that Office Action, the Examiner initially rejected claims 1 and 6-9 under 35 U.S.C. 35 U.S.C. § 102(b) as being "anticipated" by U.S. Patent No. 4,635,710 (*Shelley*), claims 1, 6, 13, 14-16, 20, 22, 23, 27, 29-31 and 33 under 35 U.S.C. § 102(b) as being "anticipated" by U.S. Patent No. 6,283,382 (*Fitzmeyer*), claim 2 under 35 U.S.C. § 103(a) as having been "obvious" over *Shelley* in view of *Fitzmeyer*, claim 3 under 35 U.S.C. § 103(a) as having been "obvious" over *Shelley* in view of U.S. Patent No. 6,021,646 (*Burley*), claims 10 and 11 under 35 U.S.C. § 103(a) as having been "obvious" over *Shelley* in view of U.S. Patent No. 2,726,593 (*Lahiri*), and claim 21 under 35 U.S.C. § 103(a) as having been "obvious" over *Fitzmeyer* in view of U.S. Patent No. 5,415,155 (*Cohen*).

The Examiner allowed claims 38-44 and determined that claims 4, 5, 12, 17, 18, 19, 24, 26, 28, 32 and 34-37 would be allowable if rewritten in independent form to include all the limitations of their respective base claim and any intervening claims.

This application now contains a total of twenty-three claims. Claims 38-44 have been allowed. Further to the Examiner's statement of allowable subject matter, claims 4, 5, 12, 17-19, 24-26 and 34-37 are simply rewritten in independent form to include all the limitations of their original respective base claim and any intervening claims. As indicated by the Examiner, claims 4, 5, 12, 17-19, 24-26 and 34-37 are now in condition for immediate allowance. Claims 6, 8 and 10 are dependent on allowed claim 4 and are to be construed as incorporating all the limitations of claim 4. Since the Examiner has determined that claim 4, as amended, distinguishes patentably from the prior art

and is allowable, then its trailing dependent claims 6, 8 and 10 must so distinguish and be allowable. *In re Fine*, 837 F.2d1371, 1376, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988). Claims 1-3, 7, 9, 11, 13-16, 20-23 and 27-33 have been cancelled without admission or prejudice to Applicant's right to prosecute them in a continuation application.

It is respectfully submitted that the foregoing amendments place the case in a condition for immediate allowance. As this Amendment is believed necessary to secure immediate allowance, Applicant believes that these amendments should be entered pursuant to 35 C.F.R. § 1.116.

This Amendment is believed to be fully responsive to the office action of December 3, 2003, is believed to squarely address each and every ground for objection and rejection raised by the Examiner, and is further believed to materially advance the prosecution of this application toward immediate allowance.

Formal allowance of all claims in the light of this Amendment is, therefore, courteously solicited.

Respectfully submitted,

PHILLIPS LYTLE LLP

By 
Rowland Richards, Esq.
Reg. No. 42,104
3400 HSBC Center
Buffalo, New York 14203
Telephone: (716) 847-8400
Telecopier: (716) 852-6100
Attorneys for Applicant(s)


Buffalo, New York

Dated: March 1, 2004

CERTIFICATE OF FACSIMILE TRANSMISSION

I certify that this correspondence is being transmitted by facsimile transmission to 703-305-3597, this 1st day of March, 2004.

PHILLIPS LYTLE LLP

By 
Rowland Richards, Esq.
Reg. No. 42,104
Signed: March 1, 2004

RRacm
1348916.01